

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAIME MIRANDA,

Plaintiff,

v.

CV 16-1062 JCH/WPL

STRIKE, LLC, and JOEL BENAVIDES,

Defendants.

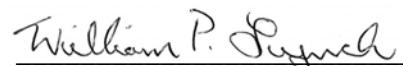
ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. Federal Rule of Civil Procedure 4(m) provides in part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

More than 90 days have elapsed since this action was commenced, and the record reflects that Defendant Joel Benavides has not been served. In removed cases, the time for tolling the 90 day period begins upon the date of removal. *See* 28 U.S.C. § 1448.

IT IS THEREFORE ORDERED that, no later than **February 17, 2017**, Plaintiff must either effect service or provide the Court with a written explanation why service has not been effected. **If Plaintiff fails to respond within the time allotted, this action will be dismissed without prejudice.**



William P. Lynch
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any *pro se* party as they are shown on the Court's docket.